

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

DONALD L. RUIS, JR. and REGINA )  
D. RUIS, )  
 )  
Plaintiffs, )  
 )  
v. ) NO. 04-1235 T/An  
 )  
DEPUTY SHERIFF DANNY )  
BROWNING, et al., )  
 )  
Defendants. )

FILED BY *SH* D.C.  
05 JUL 21 AM 8:10  
ROBERT W. GOLDBECK  
CLERK, U.S. DISTRICT COURT  
WD OF TN, JACKSON

---

**ORDER GRANTING MOTION TO COMPEL**

---

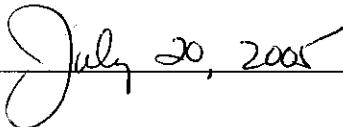
Before the Court is Defendants' Motion to Compel Discovery Responses filed on June 14, 2005. Plaintiffs failed to file a response to the motion as required by Local Rule 7.2(a)(2). "Failure to timely respond to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion." Local Rule 7.2(a)(2). As such, the Motion is **GRANTED**. Plaintiffs shall serve complete responses to Defendants' discovery requests within 11 days for entry of this Order. Plaintiffs are warned that the failure to comply with an Order of the Court can be grounds for the imposition of sanctions, including dismissal of the Plaintiffs' Complaint.

Federal Rule of Civil Procedure 37 provides that the payment of reasonable expenses, including attorney's fees, is an appropriate sanction for discovery abuse. *See* Fed. R. Civ. P. 37. In addition, "a court may assess attorneys' fees when a party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons." *Dillon v. Nissan Motor Co., Ltd.*, 986 F.2d 263, 266 (8th

Cir. 1993). For good cause shown and because Plaintiffs did not respond to the instant motion, the Court **ORDERS** that Plaintiffs should be required to pay reasonable expenses, including attorney's fees, to Defendants. Within 11 days of entry of this Order, Defendants shall submit to the Court a detailed accounting of the fees and expenses incurred as a result of the instant motion.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date:   
\_\_\_\_\_  
July 20, 2005



# Notice of Distribution

This notice confirms a copy of the document docketed as number 14 in case 1:04-CV-01235 was distributed by fax, mail, or direct printing on July 22, 2005 to the parties listed.

---

Richard B. Fields  
LAW OFFICE OF RICHARD B. FIELDS  
688 Jefferson Ave.  
Memphis, TN 38105-193

James I. Pentecost  
PENTECOST GLENN & RUDD, PLLC  
106 Stonebridge Blvd.  
Jackson, TN 38305

Brandon O. Gibson  
PENTECOST GLENN & RUDD, PLLC  
106 Stonebridge Blvd.  
Jackson, TN 38305

Honorable James Todd  
US DISTRICT COURT